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GOVERNMENT OF GOA

Department of Law
Legal Affairs Division

Notification

8/1/2023-LA

The Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023 (Ordinance No. 1 of 2023), which has been promulgated by the Hon'ble Governor of Goa on 6th March, 2023, is hereby published for the general information of the public.

Dnyaneshwar Raut Dessai, Joint Secretary (Law).

Porvorim, 8th March, 2023.

The Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023
(Ordinance No. 1 of 2023)

Promulgated by the Governor of Goa in the Seventy-fourth Year of the Republic of India.

I, P. S. Sreedharan Pillai, Governor of Goa, in the Seventy-fourth Year of the Republic of India, promulgate "The Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023 (Ordinance No. _____ of 2023)".

An Ordinance further to amend the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016).

Whereas, the Legislative Assembly of Goa is not in session and the Governor of Goa is satisfied that circumstances exist which render it necessary for him to take immediate action.

Now, therefore, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Goa is pleased to promulgate the following Ordinance, namely:—

1. *Short title and commencement.*— (1) This Ordinance may be called the Goa Regularisation of Unauthorized Construction (Amendment) Ordinance, 2023.

(2) It shall come into force at once except section 3 which shall be deemed to have come into force on the 24th day of June, 2016.

2. *Amendment of section 3.*— In section 3 of the Goa Regularisation of Unauthorized Construction Act, 2016 (Goa Act 20 of 2016) (hereinafter referred to as the "principal Act"),—

(i) in sub-section (1), before the existing provisos, the following proviso shall be inserted, namely:—

"Provided that no such written consent as referred to in clauses (a) and (c) is required where the property/land is divided/allotted between all co-owners or members of family/families by an order or decree of the court in any proceedings or by any registered Deed or instrument:";

(ii) for sub-sections (6), (7) and (8), the following sub-sections shall be substituted, namely:—

"(6) The authorised officer shall not entertain an application or proceed with regularisation process of unauthorized construction where the title or ownership of any property/land upon which unauthorized construction has been carried out, is subject matter of a dispute before any Court, Tribunal or any Statutory Authority and such Court, Tribunal or Statutory Authority has passed an injunction or granted status quo or any prohibitory order against such property/land or construction.

(7) Where the title or ownership of any property/land upon which unauthorized construction has been carried out, is subject matter of a dispute before any Court, Tribunal or any Statutory Authority but no such injunction or status quo or any prohibitory order is granted against such property/land or construction by such Court, Tribunal or Statutory Authority and the authorised officer passes any order of regularization of unauthorized construction under this Act, such order shall be subject to the decision of such Court or Tribunal or Statutory Authority.

(8) Notwithstanding anything contained in the relevant Act or in any contract,

judgment, decree or order of any Court or any Statutory Authority or any instrument having the force of law, the authorized officer may, entertain an application under sub-section (1) and pass an order of regularisation of unauthorized construction under this Act and upon passing of such order of regularisation of unauthorized construction, such unauthorized construction shall be deemed to have been regularised under the relevant Act."

3. *Substitution of section 7.*— For section 7 of the principal Act, the following section shall be substituted, namely:—

"7. *Appeals.*— (1) Any person aggrieved by an order passed by the authorised officer may prefer an appeal to the Government.

(2) Every appeal under this Act shall be filed within a period of sixty days from the date of the order of the authorised officer and the provisions of sections 4, 5, 12 and 14 of the Limitation Act, 1963 (Central Act 36 of 1963), shall apply to the filing of such appeal".

4. *Validation.*— Notwithstanding anything contained in any judgment, decree or order of any Court, any appeal entertained by the Government after expiry of the period of sixty days by condoning the delay in filing of such appeal, shall be deemed to have been validly entertained in accordance with the provisions of section 7 of the principal Act as amended by this Ordinance.

Place: Raj Bhavan,
Dona Paula, Goa.
Date: 6th March, 2023.

P. S. Shreedharan Pillai
Governor of Goa.

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